

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MEMORANDUM ORDER

Pending before the Court is the Government's Motion to Vacate Court Order Requiring Costs of Transcription to be Paid by Government (Doc. No. 250).

On February 19, 2013, in order to be able to properly consider Defendant Jean Seraphin's Renewal of Motion for Judgment of Acquittal Pursuant to Fed.R.Crim.P. 29, and the United States' Response thereto, we ordered the trial transcript in this matter be produced, "with the costs to be paid by the United States." Our mandate that the Government pay for the trial transcript was in error because we, the Court, requested the transcript, and not any of the parties.

See 28 U.S.C. §753(b) (“*[u]pon the request* of any party to any proceeding which has been so recorded who has agreed to pay the fee therefor, or *of a judge of the court*, the reporter or other individual designated to produce the record shall promptly transcribe the original records of the requested parts of the proceedings and attach to the transcript his official certificate, and deliver the same to the party or judge making the request.”) (emphasis added); Guide to Judiciary Policy, Vol. 6, Chap. 5, §510.20.10 (a) (“Set forth, in 28 U.S.C. §753(b) are the duties and

responsibilities of official court reporters, including the responsibility to provide certified transcripts without charge to a requesting judge.).

Accordingly, this 20th day of February, 2013, it is hereby ORDERED, ADJUDGED, and DECREED that the Government's Motion to Vacate Court Order Requiring Costs of Transcription to be Paid by Government (Doc. No. 250) is GRANTED and the Court's February 19, 2013 Order is vacated to the extent it ordered the Government to pay the costs of the trial transcript the Court ordered be produced by the court reporter.

It is further hereby ORDERED, ADJUDGED, and DECREED that the Court's February 19, 2013 Order shall otherwise remain in full force and effect; the trial transcript shall be produced by the court reporter and delivered to the Court forthwith.

S/MauriceB. Cohill, Jr.
Maurice B. Cohill, Jr.
Senior District Court Judge

cc: Karen Earley, Official Court Reporter
Virginia Pease, Official Court Reporter